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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,907	05/01/2001	Shinya Kimura	72012/55861	4637

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BOSTON, MA 02205

EXAMINER

HA, LEYNNA A

ART UNIT	PAPER NUMBER
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2135

MAIL DATE	DELIVERY MODE
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02/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

44

Office Action Summary

Application No.

09/846,907

Applicant(s)

KIMURA, SHINYA

Examiner

LEYNNA T. HA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 and 2 are pending.
2. The BPAI decision on 5/8/2007 allowed the entering of amendment of 6/8/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US 6,526,506), and further in view of Shah, et al. (US 6,041,325).

AS PER CLAIM 1:

Lewis, et al. discloses an access point device having an interface function with a LAN constructed of wired transmission channels that establishes datalink connections with other networks (COL.10, lines 46-61) and establishes radio datalink connections with a plurality of mobile stations within an area of LAN, (COL.1, lines 13-38 and COL.4, lines 10-23 and 28-33)

the access point device comprising: (COL.7, lines 43-65 and col.12, lines 60-64)

display means; and (COL.9, lines 55-65 and COL.14, lines 57-59)

input means, (COL.2, lines 55-65 and COL.9, lines 18-23 and 59-61; i.e. keypad or keyboard or transceiver)

wherein

when performing an authentication procedure before a particular mobile station initiates an association procedure with the LAN (COL.15, lines 60-COL.16, line 3 and col.17, lines 47-60), the display means displays information regarding the particular mobile station received via a radio datalink connection (COL.4, lines 43-48 and COL.13, lines 19-21) requesting authentication to a LAN administrator for final authorization of the authentication procedure (COL.14, lines 38-44 and 57-59) when the particular mobile station is in the area of the LAN in response to a notification of the presence of the particular mobile station requesting authentication (COL.4, lines 21-27 and COL.5, line 50 – COL.6, lines 26), and wherein an authentication-authorizing or rejecting instruction for the particular mobile station can be entered via the input means by the LAN administrator (COL.9, lines 59-65 and COL.16, lines 7-65) and displayed by the displayed means. (COL.14, lines 57-59)

Lewis include an authentication procedure for establishing connection between the mobile stations with an access point comprising a display means and input means (COL.9, lines 59-65 and COL.16, lines 7-65). Therefore, Lewis reads on the claimed invention because the claimed "wherein when performing an authentication procedure" does not particularly claim a structure required to perform an authentication procedure nor whether referring to the access point device, or display means, or input means

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performing an authentication procedure. See *MPEP 2111.04 [R-3]*. Thus, when applying art to claims 1-2, the reference(s) can broadly and reasonably suggest authentication/authorizing by a device or means (i.e. access point, display, input) to establish connection with other networks.

Claim 1 is now amended to clarify the connections are between access point, LAN, and mobile station(s) wherein performing an authentication procedure includes an access point and requesting authentication to a LAN administrator.

The claimed access device comprises a display means and an input means. The input means can broadly interpret as receiver/transceiver to receive incoming data, or entering data by signal transmission or via devices (i.e. keyboard, touch screen, keypad). Specification suggests broad form of input means [0032] and also points to an input made by the network-administering user [0043]. However, claim 1 merely recites an input means and that an authenticating-authorizing or rejecting instruction for the particular mobile station can be entered via the input means by the LAN administrator. Thus, input means does not specifically limit the input is by means of a human administrator/user entering on the keyboard. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 98 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

According to MPEP: 2111.01 [R-5] Plain Meaning

I. THE WORDS OF A CLAIM MUST BE GIVEN THEIR "PLAIN MEANING" UNLESS **>SUCH MEANING IS INCONSISTENT WITH< THE SPECIFICATION

****>** Although **<** claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. In re American Academy of Science Tech Center, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004) (The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation **>**in light of the

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specification<.). This means that the words of the claim must be given their plain meaning unless **>the plain meaning is inconsistent with< the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below); Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) (Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say. Thus, "heating the resulting batter-coated dough to a temperature in the range of about 400oF to 850oF" required heating the dough, rather than the air inside an oven, to the specified temperature.). **

>II. IT IS IMPROPER TO IMPORT CLAIM LIMITATIONS FROM THE SPECIFICATION

"Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment." Superguide Corp. v. DirecTV Enterprises, Inc., 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004). See also Liebel-Flarsheim Co. v. Medrad Inc., 358 F.3d 898, 906, 69 USPQ2d 1801, 1807 (Fed. Cir. 2004) (discussing recent cases wherein the court expressly rejected the contention that if a patent describes only a single embodiment, the claims of the patent must be construed as being limited to that embodiment);< E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) ("Interpretation of descriptive statements in a patent's written description is a difficult task, as an inherent tension exists as to whether a statement is a clear lexicographic definition or a description of a preferred embodiment. The problem is to interpret claims in view of the specification' without unnecessarily importing limitations from the specification into the claims."); Altiris Inc. v. Symantec Corp., 318 F.3d 1363, 1371, 65 USPQ2d 1865, 1869-70 (Fed. Cir. 2003) (Although the specification discussed only a single embodiment, the court held that it was improper to read a specific order of steps into method claims where, as a matter of logic or grammar, the language of the method claims did not impose a specific order on the performance of the method steps, and the specification did not directly or implicitly require a particular order). See also paragraph *>IV.<, below. **>When< an element is claimed using language falling under the scope of 35 U.S.C. 112, 6th paragraph (often broadly referred to as means or step plus function language)**, the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. In re Donaldson, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994) (see MPEP § 2181- § 2186).

According to the specification in the Summary of the Invention discusses a network administrator administering the LAN. Throughout the Detailed Description of the Preferred Embodiment, recites mainly a network-administering user that authorizes the authentication [0036] that is referring to a user who administers the wireless area network [0032]. The authentication procedure involves requesting authorization from a mobile station and notifying the network-administering user [0042]. As such, the network administrator administering the LAN described in the summary [0018-0019] and

the network-administering user [0042] is one in the same to broadly and reasonably be given as the claimed LAN administrator that is a user who administers the network for the mobile station to send an authorization request to for authentication.

Summary of the Invention:

"establishing connection with plurality of mobile stations within the area of the radio LAN. The access point device includes access point device includes: notification means for notifying a network administrator administering the LAN of the presence of an authentication-requesting mobile station so as to gain the final authorization of an authentication procedure [0018-0019]"

Detailed Description of the Preferred Embodiment :

"if receive a notification from the authentication input means of an authentication-authorizing input made by the network-administering user inputting an authentication authorization before the timeout of the authentication wait timer, send an authentication response message indicating the authorized authentication to the mobile station [0043]"

The claimed "wherein an authenticating-authorizing or rejecting instruction for the particular mobile station can be entered via the input means by the LAN administrator and displayed by the display means", broadly limits the LAN administrator having the option or possibility of entering via input means by the LAN administrator and displayed by the display means. Hence, is disparate from an administrator is or have to enter authenticating-authorizing or rejecting instruction via input means and displayed on the display means.

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In addition, this entire limitation cannot reasonably or broadly suggest the administrator is to or must respond (i.e. authenticating-authorizing or rejecting instruction) at all "for final authorization of the authentication procedure" as claimed. Not only is claim 1 limiting to a request for authorization by a mobile station and leaving room for interpretation when it comes to a response, but the specification supports this interpretation as well (see above [0043]). The specification discusses that a response will be given if it is before a timeout which corresponds to claimed limitation of "wherein an authenticating-authorizing or rejecting instruction for the particular mobile station can be entered via the input means by the LAN administrator and displayed by the display means". Thus, the claimed authenticating-authorizing or rejecting instruction can be entered via input means by the LAN administrator and displayed on the display means can reasonably and broadly be given as an option to respond or that it is not necessary to respond. As such, prior art does not specifically required to read on a response (i.e. authenticating-authorizing or rejecting instruction) to the request or having an administrator entering via input means and displayed by the display means. As long as prior art does not discuss or suggest that the response cannot be entered by a user administrator and displayed by the display means, other wise the reference(s) incorporated herein reads on the claimed invention.

As for applying art, Lewis discloses access points that operate in conjunction with the key distribution server to ensure system integrity (col.5, lines 50-53). Each access point is connected to the system backbone via a network adapter transceiver for wirelessly communicating with mobile terminals where the transceiver receives

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information transmitted from the mobile terminals (col.2, lines 45-63). Accordingly, the transceiver can reasonably suggest the claimed input means of an access point. Lewis also discloses administrator inputs contents via an input device such as the keypad where the administrator represents a person authorized to determine which particular mobile terminals are entitled to gain access within the system (col.9, lines 59-65).

Lewis discusses determining whether the device which sent the packet is an authorized device and that the system administrator reviews information from the device to learn who is trying to gain access to the system (col.14, lines 23-63). Lewis further discusses the determination whether to accept or deny the mobile requesting an association with an access point (col.16, lines 3-65). This obviously suggests administrator involvement of the authorization of the authentication procedure of the requesting mobile terminal. Hence, the administrator corresponds to the claimed invention of requesting authentication/authorization to a LAN administrator that can enter authentication-authorizing or rejecting instruction for the particular mobile terminal. Thus, Lewis meets the limitation of claim 1.

However, Lewis did not discuss the display means displays information to a LAN administrator.

Shah discloses a flexible service management system to create customize, restrict and provision telephony services with direct interaction by service operators, service operators, or service subscribers (col.2, lines 24-29). The service management system provides services and communication with telephony devices (col.6, lines 55-67). Shah discloses the service management access point allows a physical interface

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with a network by a service operator that includes a data entry device interface generated with a screen interpreter (col.3, lines 5-12). The invention provides important technical advantages by allowing flexible service programming to take advantage of network element capabilities through efficient logic-driven provisioning of data to optimized telephony resources and speed (col.4, lines 54-59). Shah discloses network operators frequently perform functions under the role of the service operator and data entry operators. These operators obviously suggests the claimed administrator since both are referring to a user that can interface with the service management access point through graphical user interface supported by the service screen definition (co.9, line 65 - col.10, line 6). The screen definition resulting from the selection by screen builder allows a native screen display or a world wide web display, each display having a service view (col. 9, lines 14-62). Shah's screen displays obviously suggest the claimed display means that displays information to an administrator (col.12, lines 28-40 and 50-63). Shah discloses the service management access point can accept instructions from data entry operators to direct the service management system to provision services on intelligent network. With user-friendly graphical icons, service management system can accept and provision particular service features and generate a report for each data entry operator or for each service used (col.10, lines 12-17).

Therefore, it would have been obvious for a person of ordinary skills to combine the teaching of Lewis with Shah to teach display means that displays information to an administrator because the (service management) access point can accept instructions from data entry operators to direct the service management system to provision

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services on intelligent network and allowing flexible service programming to take advantage of network element capabilities through efficient logic-driven provisioning of data to optimized telephony resources and speed (Shah on col.4, lines 54-59 and col.10, lines 12-14).

AS PER CLAIM 2: As rejected above by Lewis discussing a method using the device according to claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

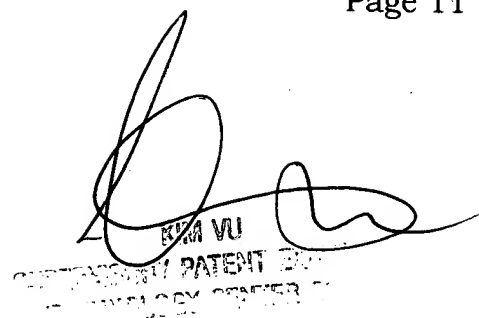
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/L. T. H./

Examiner, Art Unit 2135



Handwritten signature and official stamp. The stamp includes the text "KIM WU" and "CENTRAL PATENT & TRADEMARK OFFICE".